

IC 8-3-17

Chapter 17. Railroad Police

IC 8-3-17-1

Appointment, qualifications, and terms

Sec. 1. Upon the application in writing of a company owning, leasing, using, or operating a railroad in Indiana accompanied by the statements of three (3) reputable Indiana citizens testifying to the moral character of the applicant, the Indiana department of transportation shall appoint and commission persons the company designates and the department finds to be suitable and qualified persons, to act as policemen for the company, upon the premises of the company, or elsewhere within Indiana, when engaged in the discharge of their duties as policemen for that company. Every policeman appointed shall be known as a railroad policeman and shall be a person of good moral character. The policeman shall be commissioned so long as the policeman is employed by the company on whose application the policeman was appointed, unless the policeman's commission is sooner revoked by the Indiana department of transportation for good cause shown, or by the company on whose application the railroad policeman was appointed, as provided in section 8 of this chapter.

(Formerly: Acts 1927, c.18, s.1; Acts 1975, P.L.80, SEC.1.) As amended by P.L.384-1987(ss), SEC.42; P.L.18-1990, SEC.50.

IC 8-3-17-2

Commission; recordation; powers and duties

Sec. 2. (a) Every policeman appointed under this chapter shall, before entering upon the duties of office, take and subscribe an oath of office, which shall be endorsed upon the officer's commission, and the commission, with the oath, shall be recorded in the office of the clerk of the circuit court of the county in which the policeman resides. Every policeman who is appointed and commissioned as provided in this chapter shall have, exercise, and possess, throughout Indiana, while engaged in the discharge of the officer's duties as a policeman, the powers of sheriffs, marshals, constables, and municipal police officers, except in the service of civil process.

(b) A policeman who is appointed and commissioned under this chapter must wear a distinctive uniform and a badge of authority or must operate a motor vehicle that is clearly marked as a police vehicle when exercising the officer's authority to arrest or issue a traffic information and summons to a person for the violation of a law or ordinance regulating the use and operation of a motor vehicle on a public highway.

(Formerly: Acts 1927, c.18, s.2.) As amended by P.L.62-1984, SEC.31; P.L.72-1989, SEC.4.

IC 8-3-17-3

Powers and duties

Sec. 3. Such policemen shall enforce and compel obedience to the

laws of this state and to the ordinances of the cities and towns thereof, when engaged in the discharge of their duties as policemen for such company, and the keepers of jails, lock-ups and station-houses, in any county, city or town shall receive all persons arrested by such policemen for the commission of any offense against the laws of this state, or the ordinances of any such city or town, to be dealt with according to law, and persons so arrested shall be received by such keepers of jails, lock-ups or station-houses, on the same basis, and such persons shall have the same status as prisoners arrested by any other peace officer of the state of Indiana. (Formerly: Acts 1927, c.18, s.3.)

IC 8-3-17-3.5

Educational and training requirements

Sec. 3.5. (a) All railroad police commissioned under this chapter shall, within one (1) year of their commissioning, successfully complete all educational and training requirements established by rule of the Indiana department of transportation.

(b) Any newly commissioned railroad policeman who has had previous law enforcement experience and schooling which exceeds the training requirements established by the Indiana department of transportation may, upon proof of the policeman's previous experience and training, obtain a waiver of the training requirements imposed by this section.

(Formerly: Acts 1975, P.L.80, SEC.2.) As amended by P.L.384-1987(ss), SEC.43; P.L.18-1990, SEC.51.

IC 8-3-17-4

Badge; exhibition upon demand and before making arrest

Sec. 4. Every policeman so appointed and commissioned shall, when on duty, as herein provided, wear a metallic badge, with the word "Police" and the name of the railroad company for which he is appointed, inscribed thereon, and he shall exhibit such badge, on demand, and before making an arrest.

(Formerly: Acts 1927, c.18, s.4.)

IC 8-3-17-5

Compensation

Sec. 5. The compensation for such policemen shall be paid by the company for which they are respectively appointed.

(Formerly: Acts 1927, c.18, s.5.)

IC 8-3-17-6

Surety bond

Sec. 6. Every policeman appointed and commissioned shall, before entering upon the discharge of the policeman's duties, give a surety bond of five thousand dollars (\$5,000), conditioned upon the faithful performance of the policeman's duties. All the bonds shall be filed with and approved by the Indiana department of transportation, and, upon filing the bond, the policeman shall pay to the department

ten dollars (\$10).

(Formerly: Acts 1927, c.18, s.6; Acts 1975, P.L.80, SEC.3.) As amended by P.L.384-1987(ss), SEC.44; P.L.18-1990, SEC.52.

IC 8-3-17-7

Certificate; issuance of commission

Sec. 7. Upon the issuance of a commission to any policeman, as provided for in this chapter, the Indiana department of transportation shall also issue to that policeman a certificate certifying that the commission has been issued, giving the name of the policeman commissioned, the name of the railroad company that policeman represents, and designating the date on which the commission was issued. The certificates shall be of the form, size, and description as the department may determine.

(Formerly: Acts 1927, c.18, s.7; Acts 1975, P.L.80, SEC.4.) As amended by P.L.384-1987(ss), SEC.45; P.L.18-1990, SEC.53.

IC 8-3-17-8

Termination of powers

Sec. 8. When a company no longer requires the services of a policeman, it shall file a notice to that effect, under its corporate seal, with the clerk of the circuit court of the county where the commission of that policeman is recorded, which shall be noted by the clerk of the circuit court upon the margin of the record where the commission is recorded. The company shall also file notice with the Indiana department of transportation. Thereupon, the powers of that policeman terminate.

(Formerly: Acts 1927, c.18, s.8; Acts 1975, P.L.80, SEC.5.) As amended by P.L.384-1987(ss), SEC.46; P.L.18-1990, SEC.54.

IC 8-3-17-9

Definitions

Sec. 9. The term "railroad or railroads" or "railroad company" or any combination of such terms as used in this chapter shall be construed to include both steam and interurban railroads but shall not be construed to include hobby, tourist, amusement, and non-freight-carrying railroads.

(Formerly: Acts 1927, c.18, s.9.) As amended by Acts 1976, P.L.26, SEC.3.

IC 8-3-17-10 Repealed

(Repealed by Acts 1975, P.L.80, SEC.7.)

IC 8-3-17-11

Effect of Acts 1975, P.L.80 on commissions

Sec. 11. Acts 1975, P.L.80 does not affect the validity of a railroad policeman's commission in existence on January 1, 1976.

As added by P.L.1-1989, SEC.16.